

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

THE CHATTANOOGA SPINE AND
NERVE INSTITUTE, INC.,

Plaintiff,

v.

JONATHAN L. GRASS AND
FISH TALES, LLC,

Defendants.

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Case No. _____

NOTICE OF REMOVAL

Defendants, Jonathan L. Grass and Fish Tales, LLC (“Defendants”), by and through counsel, respectfully show unto this Honorable Court as follows:

Defendants are all of the named defendants in this action.

On January 31, 2017, this action was commenced against Defendants in the Chancery Court of Tennessee at Hamilton County.

Defendant Jonathan L. Grass was served with process on February 6, 2017.

Defendant Fish Tales, LLC ("Fish Tales") was served with process on February 14, 2017.

Copies of the summons, complaint, and any other papers filed in this action in the state court are attached as **Exhibit A**. No proceedings have occurred in the state court since the filing of the complaint.

This Court Has Original Jurisdiction Under 28 U.S.C. § 1331

Plaintiff alleges that Defendants committed a fraudulent scheme and pattern of racketeering activity in violation of the federal civil RICO statute, 18 U.S.C. § 1961 *et seq.* [Complaint, attached as **Ex. A**, ¶¶ 230-63] Plaintiff also alleges that Defendants violated the Tennessee Consumer Protection Act, defrauded Plaintiff, breached a contract with Plaintiff, committed conversion against Plaintiff, and breached a fiduciary duty owed to Plaintiff (collectively the "State Law Claims"). [*Id.* ¶¶ 264-316] Each of Plaintiff's claims arise out of the same set of facts and transactions. Plaintiff seeks, among other things, compensatory damages of \$400,000, punitive damages of \$1,000,000, treble damages, and attorney fees. [*Id.* ¶¶ A-J]

This action arises under the laws of the United States and is removable under 28 U.S.C. § 1331, pursuant to 28 U.S.C. § 1441(c). The Court is entitled to exercise supplemental jurisdiction over the State Law Claims under 28 U.S.C. § 1367(a), because the State Law Claims are so related to the federal civil RICO claim that they "form part of the same case or controversy."

This Court Has Original Jurisdiction Under 28 U.S.C. § 1332

Pursuant to 28 U.S.C. § 1332, there is also complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy exceeds the sum or value of \$75,000.

Plaintiff alleges that it is a Tennessee corporation with its principal office and place of business in Hamilton County, Tennessee. [Compl. ¶ 2]

Plaintiff alleges that Defendant Grass is a resident of the State of Arizona. Plaintiff also alleges that Defendant Fish Tales is an Arizona limited liability company. [*Id.* ¶ 4] The sole member of Fish Tales is Mr. Grass, an Arizona resident. [See Declaration of Neil A. Brunetz, attached as **Ex. B**] No additional defendants are named in the complaint.

The amount in controversy also exceeds the sum or value of \$75,000.00. *See Harrison v. Monumental Life Ins. Co.*, 333 F.3d 717, 719 n.1 (6th Cir. 2003) ("[T]he amount originally pled in the complaint controls the amount in controversy requirement."). Plaintiff seeks compensatory damages in the amount of \$400,000 for its claims against Defendants, and Plaintiff seeks treble damages. [Compl. ¶¶ D, E]

Venue is proper in this Court, because this judicial district embraces Hamilton County, Tennessee. *See* 28 U.S.C. § 1446(a).

Defendants consent to the removal of this action to this Court. Defendants are represented by the undersigned counsel for purposes of this Notice of Removal and expressly reserve their right to raise all defenses and objections in this action after it is removed to this Court.

This Notice of Removal is timely filed with this Court within thirty (30) days after service of the summons and complaint in this action.

WHEREFORE, Defendants respectfully request that this action be removed from the Chancery Court of Tennessee at Hamilton County, to this Court.

Respectfully submitted,

MILLER & MARTIN PLLC

By: s/ Neil A. Brunetz
Neil A. Brunetz, BPR No. 021404
Lynzi J. Archibald, BPR No. 030063
832 Georgia Ave., Suite 1200
Chattanooga, TN 37402
Telephone: (423) 785-6600
Facsimile: (423) 785-8480
Neil.Brunetz@millermartin.com
Lynzi.Archibald@millermartin.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail and/or facsimile or hand delivery. Parties may access this filing through the Court's electronic filing system.

This 28th day of February, 2017.

MILLER & MARTIN PLLC

s/ Neil A. Brunetz